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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

NGUYEN, C

ART UNIT

PAPER NUMBER

2773

17

DATE MAILED: 07/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/939185

Applicant(s)

GADSCHMIDT ICI ET AL.

Examiner

C. NGUYEN

Group Art Unit

2773

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on May 26 / 2000
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 43-48, 55-90 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 43-48 and 55-90 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 43-48 and ^{55-57, 59-90}~~55-90~~ are rejected under 35 U.S.C. 102(e) as being anticipated by RB
Lopresti et al. (US Patent No. 5,889,506).

Regarding claim 43, Lopresti discloses a graphical user interface for presenting data associated with an entertainment selection, textual data about the entertainment program (see col 4, lines 22-44), a multimedia identifier corresponding to the entertainment and selection and selectable to display entertainment system data about the entertainment selection (see figures 2-3), receivable from a second one from among the plurality of different entertainment system data source (see col 5, lines 1-64).

Regarding claim 44, Lopresti discloses GUI wherein the stored entertainment system data further comprises a plurality of traits wherein each trait includes an identifier portion to provide a generic description of the trait and a data portion to provide specific data related to the trait (see col 6, lines 1-52).

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Regarding claims 45 and 46, Lopresti discloses wherein the entertainment system data includes radio station information and the first multimedia identifier is selectable multimedia identifier is selectable to deliver a critique of the entertainment selection to be rendered responsive to deletion of the first multimedia identifier (see col 9, lines 10-61 and figures 12-16).

Regarding claims 47 and 48, Lopresti discloses a second multimedia identifier corresponding to a theme song of the entertainment selection to be rendered responsive to selection of the second multimedia identifier (see col 10, lines 21-54).

Regarding claim 55, Lopresti discloses a data parser to receive entertainment, and to reformat the entertainment system data into a unitary data format a data engine to receive the reformatted entertainment system data from the parser and stored the reformatted entertainment system data into a database; and a graphical query interface to access the entertainment system database (see col 12, lines 29-65 and figures 17-19).

As claims 56-57 and 59-63 are analyzed as previously discussed with respect to claims 43-48 and 58 above.

Regarding claims 64-66, Lopresti discloses television program information received from a broadcast source and the second entertainment system data source is a remote web server (see col. 10, lines 65-67 and figures 7, 14.)

Regarding claims 67-71, Lopresti discloses at least one of the name of a TV show, the time that the show will be broadcast, a list of cast member, a video clip, theme of the show and webpage for the show (see col 9, lines 10-61 and figures 12-16).

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Claims 72-90 are a method claims that corresponds to apparatus claims 43-48 and 55-59 and thus are rejected for the aforementioned reason.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti.

Regarding claims 58, Lopresti do not explicitly teach the data portion includes a uniform resource locator (URL) associated with data in a second location external to the database, but it would have been obvious that the system enhanced video graphical user interface or video user environment of Lopresti to provide an alternate from the Global network.

Response to Arguments

5. Applicant's arguments filed on May 26, 2000 have been fully considered but they are not persuasive.

At page 11 of the Remarks; Applicant argues that the Lopresti fails to anticipate or teach "multimedia identifier corresponding to any of the entertainment selections". However, the limitations set forth to rely upon "Included in these functions is an on-screen programming feature, allowing the user to select programs for viewing or recording by entry of user-drawn

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annotations or commands via the writing surface. The enhanced video user environment comprises an audio/video control apparatus that selectively performs predetermined audio/video control functions according to the user's selection or instruction. The control apparatus is preferably designed with a port for coupling to a video display apparatus, such as a television, or projection system or monitor." see col. 2, lines 20-52 and figure 7).

At page 12 of the Remarks; Applicant argues that the Lopresti fails to anticipate or teach "the entertainment system data comes in a plurality of different multimedia data formats. However, the limitations set forth to rely upon "The audio/video control may also be coupled to other equipment such as VCR, laser disc player and multimedia computer. There is a wealth of entertainment and information technology that can be coupled to the audio/video control. These media are preferably connected by conventional cabling to the audio/video control. The audio/video control thus operates as the audio/video signal switching and processing center for the system. If the user has selected the VCR as the source of program content, the audio and video signals from the VCR are switched through audio/video control and communicated through port to display, the audio/video control is preferably capable of handling multiple tasks concurrently.." (see col. 5, lines 17-64 and figures 5, 18).

At page 13 of the Remarks; Applicant argues that the obviousness of Lopresti fails to teach or suggest " a source of entertainment data to be linked to a URL". However, the limitations as claimed that it was well known in the art to provide a source of entertainment data

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to be linked to a URL. It would have been obvious to one having skill in the art to provide a user an multimedia or entertainment URL to link to the web browser.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Response

7. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

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Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Inquires


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

C. Nguyen

July 24, 2000


RAYMOND J. BAYERL
PRIMARY EXAMINER
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